



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Concluding observations on the fourth periodic report of Albania*

1. The Committee considered the fourth periodic report of Albania (CEDAW/C/ALB/4) at its 1413th and 1414th meetings, on 12 July 2016 (see CEDAW/C/SR.1413 and 1414). The Committee's list of issues and questions is contained in CEDAW/C/ALB/Q/4 and the responses of Albania are contained in CEDAW/C/ALB/Q/4/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its fourth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its large delegation, which was headed by the General Director of the Department of Social Policies in the Ministry of Social Welfare and Youth, Merita Xhafaj, and also included representatives of the Ministry of Finance, the Ministry of the Interior, the Ministry of Urban Development, the Institute of Statistics, the Ministry of Education and Sports, the General Directorate of the State Police, the Ministry of Economic Development, Tourism, Trade and Entrepreneurship, the Ministry of Health, the Ministry of Foreign Affairs and the Permanent Mission of Albania to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2010 of the State party's third periodic report (CEDAW/C/ALB/3) in undertaking legislative reforms, in particular the adoption of the following legislation:

* Adopted by the Committee at its sixty-fourth session (4-22 July 2016).



(a) Amendments to the Electoral Code (Law No. 74/2012) of 19 July 2012 which require that at least 30 per cent of candidates on electoral lists of political parties and one third of the top-ranked candidates for each electoral constituency be from either gender;

(b) Amendments to the Criminal Code (Laws No. 44/2013 and No. 23/2012) criminalizing domestic violence, marital rape, sexual abuse and harassment, forced marriage and other forms of gender-based violence;

(c) Law No. 10399 of 17 March 2011 amending the Law on Social Assistance and Social Services to provide benefits to women victims of abuse who have obtained a protection order;

(d) Law No. 10329 of 30 September 2010 amending Law No. 9669 on Measures against Domestic Violence to establish a coordinated network of institutions responsible for the protection, support and rehabilitation of victims.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National Strategy on Gender Equality, Gender-based Discrimination and Domestic Violence for the period 2011-2015 and its Implementation Action Plan, in 2011,

(b) Action Plan for Supporting Women Entrepreneurs for the period 2014-2020;

(c) National Strategy for the Fight against Trafficking in Human Beings covering the period 2014-2017.

6. The Committee welcomes the fact that, in 2012, in the period since the consideration of the previous report, the State party ratified or acceded to the following international and regional instruments:

(a) Convention on the Rights of Persons with Disabilities;

(b) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

C. Principal areas of concern and recommendations

Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

8. The Committee takes note of the State party's efforts to raise awareness among the judiciary and law enforcement personnel of gender equality and

non-discrimination. The Committee remains concerned, however, that the provisions of the Convention have been invoked only in one court case, which indicates that there is inadequate knowledge of the Convention among legal professionals, such as judges and lawyers, within society and among women themselves.

9. The Committee reiterates its previous recommendation (see CEDAW/C/ALB/CO/3, para. 17) that the State party systematically enhance knowledge and understanding of the Convention and the Optional Protocol thereto and promote gender equality through education and training programmes, especially for parliamentarians, the judiciary and law enforcement and senior government officials. It also recommends that the State party ensure that the Convention, the Optional Protocol thereto, the Committee's general recommendations and its views adopted on individual communications and inquiries are made an integral part of educational curricula and legal training.

Legal status of the Convention and harmonization of laws

10. The Committee notes that, according to the State party, all provisions of the Convention are directly applicable and do not require implementing legislation. It also notes further legislative improvements to promote and protect gender equality and non-discrimination in the State party, in particular with regard to prohibiting gender-based violence and sexual harassment. The Committee is concerned, however, about the lack of implementation of the legislation on gender equality and non-discrimination, as well as about the lack of monitoring of implementation of such laws and policies.

11. The Committee recommends that the State party ensure the full and timely implementation of its gender equality and anti-discrimination legislation, and monitor the effective implementation of that legislation, especially as regards women belonging to disadvantaged and marginalized groups (see paras. 37 and 39 below).

Access to justice and legal aid

12. The Committee welcomes Law No. 77/2014 amending Law No. 10039 on legal aid to provide access to legal assistance for women who are victims of gender-based violence. The Committee is concerned, however, that, despite that improvement, women, especially those belonging to disadvantaged and marginalized groups, remain unaware of their right to legal aid and continue to face significant legal and practical barriers in gaining access to justice, which is reflected in the low number of complaints filed. It is also concerned about the widespread problem of non-execution of court orders, including orders concerning the payment of alimony. The Committee is further concerned that the State party has still not reversed the burden of proof in cases of alleged sex-based or gender-based discrimination.

13. In the light of its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Ensure women's unhindered access to justice systems, including by raising the awareness of the public in general, and women who are victims of discrimination and gender-based violence in particular, about existing laws and mechanisms to obtain free legal assistance, enabling them to file claims about violations of their rights;

(b) Take measures to strengthen the capacity of the State Commission for Legal Aid in the Ministry of Justice to offer primary or secondary legal aid, including through the establishment of local legal aid clinics;

(c) Take measures to ensure the execution of court orders to enforce women's rights, including alimony entitlements, and further strengthen the sanctions imposed on those who fail to fulfil such obligations;

(d) Reverse the burden of proof in cases of alleged sex-based or gender-based discrimination in favour of claimants.

National machinery for the advancement of women

14. The Committee notes that the Minister for Social Welfare and Youth, through the Department of Gender Equality Sector and Social Inclusion Sectors, is responsible for advancing gender equality and combating gender-based violence, together with a network of gender equality officers in ministries and in 51 municipalities, as well as the National Council on Gender Equality. The Committee is concerned, however, about the decrease in the national human and financial resources allocated to the national machinery, and that the majority of programmes aimed at gender equality and non-discrimination are funded by donors, including the United Nations. It also notes that gender budgeting was introduced in 2012, but regrets the lack of information about the impact of the first midterm budgetary programme. The Committee further notes the lack of information on overall implementation and the remaining challenges in the areas covered by the National Strategy on Gender Equality and Reduction of Gender-based Violence and Domestic Violence, 2011-2015.

15. The Committee, referring to its general recommendation No. 6 (1988) on effective national machinery and publicity and to the guidance provided in the Beijing Platform for Action, recommends that the State party:

(a) Further strengthen its machinery for the advancement of women by providing adequate human, technical and financial resources at both the central and municipal levels;

(b) Ensure effective coordination and collaboration among the entities responsible for promoting gender equality and combating sex-based and gender-based discrimination;

(c) Provide, in its next periodic report, information on the implementation and impact of the first midterm gender budgeting programme, as well as detailed information on the implementation of its Strategy for Gender Equality and Reduction of Gender-based Violence and Domestic Violence 2011-2015, including information on the remaining challenges;

(d) Integrate the recommendations contained in the present concluding observations into its new gender equality strategy for the period 2016-2020.

National human rights institution

16. The Committee is concerned about the limited human and financial resources allocated to the offices of the People's Advocate, and the insufficient consideration given to their recommendations, including those aimed at promoting gender equality and combating sex-based and gender-based discrimination.

17. The Committee recommends that the State party continue to strengthen its support to the offices of the People's Advocate, by providing them with sufficient human, technical and financial resources in order to further strengthen their independent monitoring functions and ensure that their recommendations, especially those aimed at promoting gender equality and combating sex-based and gender-based discrimination, are given due effect.

Temporary special measures

18. The Committee commends the State party on introducing temporary special measures, including quotas for the representation of both sexes in the Electoral Code (2012), in the State Police and in the armed forces, as well as economic support to women entrepreneurs. The Committee is concerned, however, about the lack of monitoring of the implementation, and of information on, the impact of such temporary measures on the achievement of substantive gender equality in all areas covered by the Convention.

19. The Committee reiterates its previous recommendation (see CEDAW/C/ALB/CO/3, para. 23) that the State party strengthen the use of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on the subject, in all areas in which women are underrepresented or disadvantaged, in order to accelerate the achievement of substantive gender equality in the areas covered by the Convention, in particular as regards women facing intersecting forms of discrimination, such as women and girls belonging to linguistic and ethnic minorities, older women, women with disabilities and women living in rural and remote areas, in line with article 8 of the Law on Gender Equality in Society and article 11 of the Law on Protection from Discrimination. The Committee requests the State party to include in its next periodic report comprehensive information on the implementation of such measures and on their impact.

Stereotypes and harmful practices

20. The Committee notes the State party's efforts to combat discriminatory gender stereotypes and harmful practices by launching awareness-raising campaigns, but remains concerned that such stereotypes and practices remain prevalent. The Committee is particularly concerned about the persistence of such harmful practices as child marriage, families choosing husbands and the payment of a bride price or dowry, which remain prevalent in rural and remote areas and among minority communities. It also notes with concern the re-emergence of concepts of justice (*kanun*) and codes of conduct that condone killings of women and girls in the name of so-called "honour".

21. The Committee recommends that the State party continue its efforts, including awareness-raising, to address gender stereotypes that perpetuate discrimination against women by developing a wide-ranging strategy across all sectors to eliminate discriminatory stereotypes and promote positive non-stereotyped images of women. With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee also recommends that the State party prohibit all harmful practices, including child marriage, the practice

of families choosing husbands as well as killings or other crimes committed in the name of so-called "honour", and prosecute and adequately punish the perpetrators of such practices.

Gender-based violence against women

22. The Committee commends the State party on its efforts to combat gender-based violence against women, inter alia by amending the Criminal Code to criminalize gender-based violence and marital rape and conducting public awareness campaigns. The Committee remains concerned, however, that such violence remains prevalent in the State party. It is also concerned about:

(a) The low rate of reporting of cases of gender-based violence against women owing to women's limited access to legal aid services, especially in rural and remote areas, as well as the absence of hotline services for women who are victims of such violence;

(b) The insufficient implementation of the national referral mechanism aimed at preventing and providing protection from gender-based violence, in particular at the local level, owing to the lack of coordination among responsible entities and the lack of the necessary skills and capacity among the responsible staff;

(c) The insufficient number of shelters for women who are victims of gender-based violence and the restrictive criteria for admission to such shelters, as well as the lack of medical and psychological rehabilitation services for women;

(d) The frequent failure to enforce protection orders and emergency protection orders.

23. The Committee recommends that the State party:

(a) Take measures to encourage women to report cases of gender-based violence by providing free legal aid, including in rural and remote areas, and by establishing a 24-hour hotline service;

(b) Strengthen the role and capacity of relevant authorities with regard to the protection and rehabilitation of victims of gender-based violence in accordance with international standards;

(c) Increase the number and capacity of State-run shelters, increase the financing of shelters run by non-governmental organizations and put in place mechanisms for contracting, delegating to or obtaining the services of non-governmental organizations in order to respond to the needs of all women who are victims of gender-based violence, including Roma and Egyptian women, women with disabilities and women living in rural and remote areas;

(d) Strengthen the enforcement of court decisions, in particular those that concern protection orders or emergency protection orders for women who are victims of gender-based violence, including by building the capacity of judicial personnel, such as court bailiffs.

Trafficking and exploitation of prostitution

24. The Committee welcomes the significant efforts of the State party in combating trafficking in women and girls, including for the purpose of sexual and labour exploitation, by introducing amendments to the Criminal Code (Law

No. 144/2013) criminalizing the use of services provided by victims of trafficking and decriminalizing victims of trafficking. It commends the State party on its efforts to improve the referral of victims to appropriate services, and improve the protection and assistance provided, including financial assistance. The Committee notes with concern, however, that the State party remains a source and destination country for trafficking in women and girls, especially trafficking linked to tourism in coastal areas. It also regrets the lack of information about the number of reports, prosecutions and convictions in cases of trafficking.

25. The Committee recommends that the State party continue to strengthen its efforts to combat trafficking in persons, in particular women and girls, by:

(a) Ensuring the investigation, prosecution and conviction of traffickers, and of public officials complicit in such crimes;

(b) Building the capacity of the border and migration police to detect victims of trafficking;

(c) Exempting victims of trafficking from any liability and providing them with adequate protection, such as witness protection programmes and temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecutorial authorities;

(d) Funding mobile units operated by civil society groups for the purpose of identifying victims;

(e) Increasing funding for shelters, both those run by the State and those run by non-governmental organizations, in order to provide victims with medical, psychological and social reintegration services.

Participation in political and public life

26. The Committee welcomes the legislative measures taken by the State party to promote women's political participation, including the amendment of the Electoral Code in 2012 in relation to parliamentary elections establishing a minimum quota of 30 per cent of candidates from both sexes and the 2015 amendment establishing a 50 per cent quota for candidates for local elections. It also notes that the number of women in political and public life has increased, albeit without attaining the quota required under the Gender Equality Law, in particular for decision-making positions in both the public and private sectors. The Committee is concerned, however, that women belonging to disadvantaged or marginalized groups, such as Roma and Egyptian women and women with disabilities, continue to face barriers to participating in political and public life, including to exercising their right to vote.

27. The Committee recommends that the State party promote substantive equality for women in political and public life by:

(a) Enforcing the statutory quotas in the Electoral Code and the Gender Equality Law for the next political elections, and applying sanctions to political parties for failure to meet those quotas;

(b) Monitoring the implementation of the temporary special measures provided for under the Gender Equality Law regarding the participation of women in decision-making bodies at the central and local levels in both the public and private sectors, in order to meet the targets established in the law;

(c) Promoting the participation in political and public life of women belonging to disadvantaged or marginalized groups, such as Roma and Egyptian women and women with disabilities;

(d) Removing any obstacles, such as civil registration requirements or physical barriers, to enable women to exercise their right to political and public participation, including the right to vote.

Education

28. The Committee commends the State party on its efforts to improve girls' access to education by adopting the National Plan for Zero Dropout Rates for 2009-2013. It remains concerned, however, that girls' school enrolment remains lower than that of boys and that the dropout rate among girls, especially girls from minority groups, at the secondary level of education remains disproportionately high. It also notes with concern the limited access to education for Roma and Egyptian girls and girls with disabilities, as well as children living in rural and remote areas, owing to poor school infrastructure and lack of teachers. Furthermore, the Committee is concerned about gender segregation and women's concentration in traditionally female-dominated fields of study at the university level.

29. The Committee recommends that the State party continue its efforts aimed at reducing the dropout rates among girls, especially Roma and Egyptian girls, and provide access to compulsory and mainstream education for all girls and boys, including those belonging to minority groups, those with disabilities and those living in rural and remote areas, including by enhancing school infrastructure, teacher training and other human, technical and financial resources. The Committee also recommends that the State party encourage young women to choose non-traditional fields of study and career paths that are traditionally male-dominated.

Employment

30. The Committee welcomes the reform of the State party's legislation concerning the employment of women, namely, the amendment of the Labour Code defining and reversing the burden of proof in cases of sexual harassment. The Committee notes with concern, however, women's concentration in the informal labour market, especially in the textile and shoe industries, without adequate labour and social protection, and the lack of disaggregated data on the number of women in the informal economy. It is also concerned that the gender wage gap, notwithstanding reported positive developments, remains significant, in particular in the private sector, and that the minimum wage remains extremely low (approximately \$180 a month), disproportionately affecting women. The Committee is further concerned about the limited access to the formal labour market for women belonging to ethnic and linguistic minorities and women with disabilities, as well as about the lack of sex-disaggregated information on labour migration to third countries.

31. The Committee recommends that the State party:

(a) Improve its statistical analysis to cover all areas, including the informal sector, in which women are concentrated, and improve the labour and social protection of women working in the informal sector, in particular in the textile and shoe industries;

(b) Take measures to better estimate and reduce the gender wage gap, in particular in the private sector, by implementing effectively the principle of equal pay for work of equal value, and increase the minimum wage;

(c) Ensure equal access to the formal labour market for women belonging to linguistic and ethnic minorities and women with disabilities, including by introducing temporary special measures in line with article 4 (1) of the Convention.

Health

32. The Committee is concerned about the excessive use of abortion as a method of birth control in the State party, including sex-selective abortion. It also notes with concern that women living in rural and remote areas and Roma and Egyptian women continue to have limited access to primary health care and sexual and reproductive health-care services, and are often unaware of the availability of such services. It is also concerned about the low budgetary allocations (2.6 per cent of gross domestic product) for the health sector and the limited oversight of hospital facilities. Furthermore, the Committee is concerned about the increasing mother-to-child transmission of HIV, notwithstanding the preventive programmes adopted by the State party.

33. The Committee recommends that the State party take all measures necessary to:

(a) Prevent the use of abortion as a method of birth control and promote the use of modern contraceptive methods to prevent unwanted pregnancies;

(b) Promote access for women and girls in rural and remote areas and Roma and Egyptian women to primary health care and sexual and reproductive health-care services, and include age-appropriate education on sexual and reproductive health and rights in all school curricula;

(c) Increase the budget for the health sector and regularly monitor and evaluate hospital facilities and the services provided therein, including sexual and reproductive health-care services;

(d) Strengthen its efforts to prevent the mother-to-child transmission of HIV, through regular screening, early diagnosis and free distribution of antiretroviral medicines.

Economic and social benefits and economic empowerment of women

34. The Committee welcomes the measures taken by the State party, including the Action Plan for Women Entrepreneurs and the Guarantee Fund, to increase the number of women entrepreneurs who own or manage businesses. The Committee also welcomes the 2014 amendment of the Law on Social Assistance and Social Services which provides for social assistance to be paid directly to women. Nevertheless, the Committee notes with concern the limited implementation of those laws and policies, in particular at the local level and as regards women and girls belonging to disadvantaged or marginalized groups. The Committee is concerned at the improper implementation of the practice of the Agency for the Legalization, Urban Planning and Integration of Informal Areas/Construction

(ALUIZNI) whereby informal property is registered under the name of the so-called head of household, which discriminates against women in practice.

35. The Committee recommends that the State party:

(a) Strengthen its mechanisms for effective monitoring of the implementation of the legislation on social assistance and policies in all 61 municipalities, including by enhancing their capacity with regard to the delivery of social assistance services, and the economic empowerment of women, in particular those belonging to disadvantaged and marginalized groups;

(b) Take measures to accelerate and simplify the procedures for the legalization of informal buildings and unify ALUIZNI practices so that the application files are prepared on the basis of family certificates, and not discriminate against women by registering informal property under the name of the so-called head of household.

Rural women

36. The Committee is concerned about the significant disparities in access to basic services, such as education, employment and health care, and in the participation in decision-making of rural women in the State party, especially those living in remote mountainous areas, compared with their urban counterparts. The Committee is particularly concerned about the revival of patriarchal attitudes in rural areas, often resulting in gender-based violence.

37. The Committee recommends that the State party:

(a) Implement a comprehensive strategy to ensure that rural women and girls and women and girls living in remote areas have as equal access as their urban counterparts to high-quality education, employment and health care, as well as to decision-making processes and economic empowerment;

(b) Take measures to change traditional perceptions about the roles of women and girls in the family and in society, to counter growing patriarchal attitudes in rural areas;

(c) Consult the Committee's general recommendation No. 34 (2016) on the rights of rural women.

Disadvantaged groups of women

38. The Committee is concerned about the continuous discrimination against and lack of appropriate legislation or measures for the protection of women and girls belonging to disadvantaged and marginalized groups, such as older women, Roma and Egyptian women, women with disabilities, migrant women, lesbian, bisexual and transgender women, women in detention, secluded women and asylum-seeking women, in particular as regards their access to education, health services, employment, housing and participation in public and political life.

39. The Committee recommends that the State party adopt targeted laws, policies and programmes to ensure equal rights for women belonging to disadvantaged and marginalized groups, such as:

(a) Older women, by approving the draft law on third age status;

(b) Roma and Egyptian women, by improving their access to education, health services, employment and housing;

(c) Women with disabilities, by introducing specific provisions in the national legislation in accordance with the criteria established under the Convention on the Rights of Persons with Disabilities;

(d) Migrant women, by monitoring the impact on emigrant women of the Strategy for the Reintegration of Returnees and Repatriated Albanian Nationals 2010-2015;

(e) Lesbian, bisexual and transgender women, by harmonizing the Criminal Code with the anti-discrimination laws and introducing into it the issue of hate crimes;

(f) Women in detention, by monitoring the implementation of standards provided in Law No. 40/2014 for women in detention;

(g) Secluded women, by providing them with adequate protection and access to health care, education, employment and freedom of movement;

(h) Asylum-seeking women, by taking all measures necessary to put in place legal arrangements to ensure regularized stay for persons seeking to join their relatives in other countries of the European Union.

40. The Committee also requests the State party to include, in its next periodic report, information on the enjoyment by those women of their rights under the Convention, disaggregated by age, national or ethnic origin and rural/urban areas.

Marriage and family relations

41. The Committee notes with concern that only a small percentage of women in the State party (8 per cent) own land, that Law No. 33/2012, which provides for joint ownership by both spouses of property acquired during marriage, is not being implemented effectively and that women are frequently discriminated against in matters of inheritance. The Committee is seriously concerned about the practice of child marriage, especially among the Roma and Egyptian communities, often authorized by court decision as an exception to the minimum age of marriage of 18 years. Furthermore, the Committee is concerned about secluded women and girls who live in isolation imposed as a result of blood feuds for lengthy periods, and about their extremely limited access to education, health care, participation in public and political life and freedom of movement.

42. The Committee recommends that the State party:

(a) Take measures to enforce effectively its legislation providing for joint ownership of property by both spouses, and ensure that women are not discriminated against or disadvantaged in matters of inheritance;

(b) Strictly prohibit child marriage, allowing only very limited and clearly defined exceptions where the courts may authorize unions under 18 years of age with the consent of both partners, criminalize violations of that prohibition, and raise awareness among children, parents, community and religious leaders and the general public of the negative impact of child marriage on the health and development of children, in particular girls;

- (c) Strengthen the investigation of cases of secluded women and girls and take measures to provide them with support.

Beijing Declaration and Platform for Action

43. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

44. The Committee calls for the realization of substantive gender equality by the State party, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

45. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.

Technical assistance

46. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Follow-up to the concluding observations

47. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (b) and (d) and 23 (a) and (d) above.

Preparation of the next report

48. The Committee invites the State party to submit its fifth periodic report in July 2020.

49. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).